

347—300.9(17A) Evidence.

300.9(1) *Introduction.* The technical rules of evidence do not apply in a contested case. Iowa Code section 17A.14 provides in part: “Irrelevant, immaterial, or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon the evidence even if it would be inadmissible in a jury trial. Agencies shall give effect to the rules of privilege recognized by law.”

300.9(2) *Copies of evidence.* A copy of a book, record, paper or document may be offered directly in evidence in lieu of the original, if the original is not available or no objection is made. Upon request, a party shall be given an opportunity to compare the original with the copy, when available. When an original is admitted in evidence, a copy may be substituted later for the original at the discretion of the administrative law judge.

300.9(3) *Official notice.* Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the division. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest those facts before the decision is announced unless the administrative law judge determines as part of the record or decision that fairness to the parties does not require an opportunity to contest those facts.